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must be a serious burden on the Examiner if restriction is not required. Moreover, the Examiner must cite reasons or examples to support her conclusions. See MPEP § 803.

In presenting Groups I – IV to Applicants, the Examiner has failed to comply with the relevant legal guidelines for restriction. For example, in presenting three of the separate groups, Groups I, II, and III, each of which require a selection for R² as presented in current Claim 6, the Examiner has narrowly defined the available compounds for examination in a manner that Applicants assert is wholly improper. Indeed, it appears that the Examiner is, by way of the present restriction requirement, imposing an impractical basis upon which Applicants can protect the complete invention to which they are entitled. Indeed, by restricting examination to compounds having R² as specifically defined in current Claim 6, the examination of the present application will exclude a variety of acceptable moieties which the inventors have found useful at this position, including those preferred moieties described on page 7 of the present specification. Given the extensive search tools that are reportedly available to USPTO Examiners, and upon which the USPTO has publicly touted, it is frankly surprising to Applicants that an Examiner would restrict examination in such an overreaching manner.

Similarly, and perhaps even more surprising, with respect to Groups II and III, the Examiner has presented groupings which are identical, but for the amine linkage allowed at D⁵ in Group II and the ether linkage allowed at D⁵ in Group III. Again, Applicants fail to comprehend the Examiner's reasoning with regard to this definition of groups. Is it really such a burden to the Examiner to search both ethers and amines, such that these two types of compounds should be separated into different restriction groups for purposes of examination? Indeed, MPEP § 803.02 states that if members of a Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the Examiner must examine all members of the Markush group in the claim on the merits, even though they are directed to independent or distinct inventions.

Accordingly, Applicants assert that the Examiner has failed to meet the requirements for a proper restriction. Despite the requirements of MPEP § 803, including the requirement that the Examiner should support her conclusions (*i.e.*, the specific groups ultimately presented), the Examiner has failed to indicate why the specific R² moiety set forth in Claim 6 has been restricted from the other available moieties (as claimed by Applicants) or why a serious burden is imposed with respect to searching both ethers and amines at a specific locus of the compound. For this and other reasons, Applicants traverse this requirement and reserve the right of petition under 37 CFR § 1.181 in the event that the Examiner makes this requirement final. Indeed, Applicants urge the Examiner to withdraw the present restriction